



TO: Skyler Sheldon <skyler.sheldonn@gmail.com>
 CC: Marc Lowry, advisor <mlowry@rothsteinlaw.com>
 Date: September 14, 2023
 RE: Pre-Hearing Conference Summary: #I-2022-6195

Dear Skyler Sheldo:

This letter summarizes the relevant issues, witnesses, and exhibits discussed at the pre-hearing conference.

- **Issue/s:** The Hearing Officer will evaluate the evidence under the **preponderance of the evidence standard** to determine whether the Respondent violated University policy.
- **Applicable UNM Policies**
 - Sexual Harassment – Sexual Assault, which, as alleged, is in violation of the following:
 - University Administrative Policy #2740: Sexual Harassment Including Sexual Assault
 - UNM Code of Conduct, Section 2.1, 2.2, and 2.18
- **Witnesses:** The Hearing Officer evaluated the witness requests by each party, and the following witnesses will be permitted to testify:
 - Wesley Graham
 - Gwyneth Delmargo-Lewis
 - [REDACTED] Complainant

Rationale: Under the Hearing Officer's sole discretion, the witnesses requested are permitted to testify because CEEO interviewed them during the investigation.

The Hearing Officer excluded the following witnesses:

| Witness Name | Requested by | Rationale for Exclusion |
|--------------|--------------|---|
| David Ley | Respondent | <p>Under the Hearing Officer's sole discretion, the witnesses requested are permitted to testify because CEEO interviewed them during the investigation.</p> <p>Under the Hearing Officer's sole discretion, the witnesses requested are permitted to testify because CEEO interviewed them during the investigation.</p> |

The Hearing Coordinator will schedule all witnesses to a specific window of time. Please contact the Hearing Coordinator immediately if you will NOT be calling one of these witnesses.



- **Exhibits**: In addition to exhibits in the CEEO Investigative File, the Hearing Officer evaluated the exhibits proposed for consideration by each party according to the Administrative Hearing Procedures Section 2.3.2.

No additional evidence was submitted.

No other evidence will be permitted, and any requests for new evidence or witnesses not listed above will not be permitted.

Please contact your advisor or the Hearing Coordinator if you have questions.

A handwritten signature in black ink, appearing to read 'B. Zinke', written over a horizontal line.

Ben Zinke
Hearing Officer